

UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF NEW YORK

CASE NO.: 1:16-mc-00405-LGS

KEITH STANSELL, et al.,

Plaintiffs,

vs.

FUERZAS ARMADAS  
REVOLUCIONARIAS DE COLOMBIA,  
a/k/a FARC-EP a/k/a REVOLUTIONARY  
ARMED FORCES OF COLOMBIA, et al.,

Defendants.

vs.

CITIBANK, N.A. and EQUINITI TRUST COMPANY,

Third-Party-Plaintiff  
Garnishees,

vs.

KEITH STANSELL, et al.,

Third-Party-Defendant  
Adverse Claimants.

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**NOTICE OF PRIOR MOTION OF THE BANDES AFFILIATES TO VACATE  
ORDERS, QUASH WRITS OF EXECUTION, DENY TURNOVER  
MOTIONS, AND DISMISS INTERPLEADER COMPLAINTS**

PLEASE TAKE NOTICE that on March 1, 2022, Third-Party Defendants Banco de Venezuela, S.A. Banco Universal (“Banco de Venezuela”), Bandes Uruguay, S.A. (“Bandes Uruguay”) and Banco Bicentenario del Pueblo, de la Clase Obrera, Mujer y Comunas, Banco Universal, C.A. (“Banco Bicentenario”), which are affiliates of Banco de Desarrollo Economico y Social de Venezuela (“BANDES”) (together, the “Bandes Affiliates”) filed, through

undersigned counsel, their Motion to Vacate Orders, Quash Writs of Execution, Deny Turnover Motions, and Dismiss Interpleader Complaints, and memoranda of law in support (the “Bandes Affiliates’ Motions to Vacate”). *See* ECF Nos. 439/150, 440/151, 456/153. The Motions to Vacate are hereby adopted and reincorporated as Banco de Venezuela’s response to the Interpleader Complaints as set forth below.

In the Motions, the Bandes Affiliates, including Banco de Venezuela, moved, pursuant to Rules 12(b)(1), (2), (4), (5), (6), and (7), and Rule 55(c) of the Federal Rules of Civil Procedure, and the United States Constitution, for an order: (i) vacating the Court’s Orders dated January 7, 2021 (*Stansell/Pescatore* ECF Nos. 130/58)<sup>1</sup>; (ii) quashing the Writs of Execution issued to Equiniti Trust Company (“Equiniti”) and Citibank, N.A. (“Citibank”); (iii) denying Plaintiffs’ Turnover Motions (ECF Nos. 138/64, 143/70); (iv) dismissing the Interpleader Complaints filed by Equiniti (*Stansell* ECF No. 208)<sup>2</sup> and Citibank (*Stansell* ECF No. 225); and (v) dismissing the entirety of these actions with prejudice as to the property interests of the Bandes Affiliates.

In the Motions, the Bandes Affiliates did not consent to jurisdiction in this Court and reserved all rights, defenses, privileges, and immunities, including, but not limited to, lack of jurisdiction, lack of service of process, and defective service of process.

On November 10, 2022, Garnishees Citibank, Equiniti, and Sumitomo Mitsui Banking Corporation, filed their Motion for Authorization to Serve Venezuelan Parties by Alternative Means (ECF Nos. 477, 478, 522). On September 22, 2023, the Court granted in part and denied

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<sup>1</sup> Substantively identical documents filed in both the *Stansell* and *Pescatore* actions are cited herein according to their respective docket entry numbers, \_\_\_\_/\_\_\_\_.

<sup>2</sup> Plaintiffs’ actions have been consolidated for interpleader purposes and, as such, the documents pertaining to the interpleader complaints are only filed in the *Stansell* action.

in part the Garnishees' Motion, authorizing personal service pursuant to 28 U.S.C. § 1608(b)(3). (ECF No. 535/171 at 16-17).

On April 18, 2024, Equiniti filed a Notice of Filing of Proof of Service Upon Banco de Venezuela (ECF 539), and on April 19, 2024, Citibank filed a Declaration of Service of its Interpleader Complaint on Banco de Venezuela. (ECF 543).

The Motions to Vacate are hereby adopted and reincorporated as Banco de Venezuela's response to the Equiniti and Citibank Interpleader Complaints, with the exception that any portions of the Motions directed at lack of service of process and/or defective service of process related to the Interpleader Complaints are not adopted.

Dated: May 7, 2024

Respectfully submitted,

*s/Marcos Daniel Jiménez*

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**CERTIFICATE OF SERVICE**

I hereby certify that on May 7, 2024, a copy of the foregoing was filed electronically. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF System.

/s/ Marcos Daniel Jiménez (NY 4881736)  
Marcos Daniel Jiménez